

HOUSE BILL 3821

By Elam

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 12 and Title 39, Chapter 16, relative to
the use of government seals, emblems or insignia.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 5, is amended by
the adding the following language as a new, appropriately designated section:

39-16-517

(a) This section shall be known and may be cited as the "Titled Use of
Tennessee's Governmental Seals, Emblems or Insignia Act".

(b) As used in this section, unless the context otherwise requires:

(1) "Authorized official" means the commissioner, mayor, city manager,
chief, sheriff, director, or similarly situated highest ranking person in the state, or
any political subdivision thereof, or any agency, department, or division of the
state or any political subdivision thereof;

(2) "Official seal" means the seal of the State of Tennessee as described
in Art. III, § 15 of the Constitution of Tennessee and in this section, or any design,
device, patch, logo, emblem or insignia of the state or any political subdivision
thereof, or any agency, department, or division of the state or any political
subdivision thereof; and

(3) "Secretary" means the secretary of state as described in Art. III, § 17
of the Constitution of Tennessee and any lawfully appointed designee of the
secretary of state.

(c) The legislature finds that the seal of the State of Tennessee is a symbol of the
authority and sovereignty of the state and is a valuable asset of its people. Similarly, the

official seals of the political subdivisions of the state, or any agency, department, or division of the state or any political subdivision thereof is likewise a symbol of authority and is a valuable asset to the people. It is the intent of the legislature to ensure that appropriate uses are made of the such seals and to assist the secretary of state and authorized officials in the performance of their duty as custodians of the official seal.

(d) Except as otherwise provided in this section or as authorized by the governor, the secretary of state, or other authorized official, the state seal and official seals shall be used for official purposes only by the state, any political subdivision thereof, or any agency, department, or division of the state or any political subdivision thereof.

(e) The secretary of state may authorize the use of the state seal and authorized officials may authorize the use of their official seals on commemorative and souvenir items, and for historical, educational, and civic purposes. Any authorization for non-governmental use shall be in writing.

(f) Except as otherwise provided, the state seal or any official seal shall not be used on or in connection with any advertising or promotion for any product, business, organization, service, or article whether offered for sale for profit or offered without charge.

(g) The state seal or any official seal shall never be used in a political campaign to assist or defeat any candidate for elective office.

(h) It is a violation of this section to use any symbol that imitates the state seal or any official seal or that is deceptively similar in appearance to the state seal or any official seal, in any manner that would be an improper use of the seal itself.

(i) It is a violation of this section to:

(1) Use the state seal or any official seal, or any deceptively similar imitation on any writing, as defined in §39-14-114(b);

(2) To use the state seal or any official seal, or any deceptively similar imitation with intent to defraud or harm another;

(3) To wear, display, or use any seal when not authorized; or

(4) To cause another to believe the use of a seal is authorized.

(j) Nothing in this section shall prohibit the reproduction of the state seal or authorized seal for:

(1) Illustrative purposes by the news media, if the reproduction by the news media is incidental to the publication or broadcast; or

(2) Illustrative purposes in the course of educational programs conducted by the state or any institution operating under title 49.

(k) No use of the state seal or authorized seal may operate or be construed to operate in any way as an endorsement of any business, organization, product, service, or article.

(l) With respect to the state seal, the secretary of state shall conduct or cause investigations to be conducted for violations of this chapter and may request enforcement by the attorney general and reporter, the district attorneys general, or the Tennessee bureau of investigation.

(m) With respect to authorized seals, the district attorney general for the judicial district or the chief law enforcement officer of the county shall conduct or cause investigations to be conducted for violations of this chapter.

(n) Any person who violates this section is guilty of a Class A misdemeanor. Any person who violates subsection (i) commits a Class E felony. Any person who violates subsection (i) where the seal is that of a paid or volunteer firefighter, law enforcement officer, or other public safety official, commits a Class D felony.

(o) It is a defense to a prosecution under this section that the seal is used or is intended to be used exclusively:

(1) As a memento or in a collection or exhibit; or

(2) For a dramatic presentation, such as a theatrical, film or television production.

SECTION 2. This act shall take effect January 1, 2012, the public welfare requiring it.